GOVERNMENT OF INDIA
INFORMATION AND BROADCASTING
LOK SABHA

UNSTARRED QUESTION NO:2413
ANSWERED ON:11.03.2016
Violation of Guidelines issued by TRAI
Ahamed Shri E.

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) details of TRAI guidelines on broadcasting;

(b) whether the broadcasters are supposed to provide content to all distributors of TV channels on non-discriminatory basis, if so, the action taken against the broadcasters who do not provide content to all the distributors on non-discriminatory basis;

(c) whether all broadcasters of pay channel need to file with TRAI all agreements they have entered into with all distributors within specified time;

(d) if so, the details of broadcasters which are in default and the action taken by TRAI against such defaulting broadcasters;

(e) whether Reference Interconnect Offer (RIO) offers channels on both bouquet and a-la-carte basis to ensure that consumer can buy any one without being at price disadvantage; and

(f) if not, the action taken against these broadcasters who do not follow the guidelines issued by TRAI regard and the penalty imposed on them?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING {COL RAJYAVARDHAN RATHORE (Retd.)}

(a) Under the provisions of the Telecom Regulatory Authority of India Act. 1997 as amended from time to time, the Authority has been entrusted with functions of regulating Broadcasting and Cable Television Sector. The Authority from time to time issues Regulations, Tariff Orders and Directions for regulating the broadcasting and cable TV sector. The Authority has made a comprehensive regulatory framework encompassing Interconnection Regulations, Register of Interconnection Regulation, Quality of Service Regulation, Consumer Complaint Redressal Regulation and Tariff Orders. The regulations / Tariff Orders issued by the Authority are available on TRAI's website www.trai.gov.in.

(b) The Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004), as amended from time to time, inter-alia provides that no broadcaster of TV channels shall engage in any practice of activity or enter into any understanding or arrangement, including exclusive contracts with any distributor of TV channels that prevents any other distributor of TV channels from obtaining such TV channels for distribution. Every broadcaster shall provide on request signals of its TV channels on non-discriminatory terms to all distributors of TV channels, which may include, but be not limited to a cable operator, direct to home operator, multi system operator, headend-in-the-sky operators; HITS operators and multi system operators shall also, on request, re-transmit signals received from a broadcaster, on a non-discriminatory basis to cable operators.

(c) The TRAI has notified "The Register of Interconnect Agreements (Broadcasting and Cable Services), Regulation 2004" dated 31.12.2004, as amended from time to time, which provides the framework for filing of details of interconnection agreement entered into by the service providers. The regulation provides that all broadcasters shall register with TRAI interconnect agreements entered into by them within the time frame specified under the rules.

(d) As mentioned above any violation of the provisions of the above mentioned regulation is dealt in accordance with the provisions of section 29 and 30 of the TRAI Act, 1997, as amended. As per the Register of Interconnect Agreement filed by the Broadcasters for the period 1st July, 2014 to 30.6.2015 is concerned, out of 55 pay broadcasters, 54 broadcasters have submitted the details of register of interconnection agreements to TRAI.

(e) The Authority has also notified the tariff order namely the Telecommunication (Broadcasting and Cable) Services (Second) Tariff Order 2004, as amended from time to time which inter alia, contains the provisions relating to the manner of offering channels by broadcasters and provides that every broadcaster shall offer or cause to offer on non-discriminatory basis all its channels on a-la-carte basis to the multi system operator or the cable operator, as the case may be, and specify an a-la-carte rate. In case a broadcaster, in addition to offering all its channels on a-la-carte basis, provides, without prejudice to the provisions of sub-clause (1), to a multi system operator or to a cable operator, pay channels as part of a bouquet consisting only of pay channels or both pay and free to air channels, the rate for such bouquet and a-la-carte rates for such pay channels forming part of that bouquet shall be subject to the conditions laid down in Telecommunication (Broadcasting and Cable) Services (Second) Tariff Order 2004. All the addressable distribution platform operators have been mandated to offer all the channels on their platform on a-la-carte basis. This ensures that the consumer can choose channels of its choice. Further, to prevent perverse pricing of channels, the tariff order for addressable system also mandates a relationship between the a-la-carte retail prices of channels vis-a-vis the bouquet price of which this channels is a

part. Presently, this tariff order is under judicial scrutiny and matter is sub-judice.

(f) Any violation of the direction of the Authority is dealt in accordance with clause 29 and 30 of TRAI Act. 1997. Further the clause 34 of the TRAI Act stipulates that no court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder, save on a complaint made by the Authority and no court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate of first class shall try any offence punishable under this Act.
TRAI from time to time files complaints in the court of Chief Metropolitan Magistrate whenever any violation of the regulation / direction comes to its notice.
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